

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42794 of 2022

Arising Out of PS. Case No.-348 Year-2021 Thana- MADHUBAN District- East Champaran

NASEEMA KHATUN WIFE OF MD. MUSTAQUE R/O VILLAGE-
GARAHIYA, P.S.- MADHUBAN, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 06-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 376, 313 and 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

As per allegation in the FIR, the petitioner is the mother of the co-accused namely, Md. Sakib, who is the informant's villager said to have made physical relationship with the informant on the pretext of marriage due to which she became pregnant. When the informant told with regard to



marriage he along with his family members refused.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. She has committed no offence. He submitted that there is general and omnibus allegation against the petitioner. There is no specific allegation against the petitioner. He further submitted that from the FIR, it appears that the present case has been lodge by the informant only with a view to marriage with the co-accused Md. Sakib, who is the son of the petitioner. The main allegation as alleged in the FIR is against co-accused Md. Sakib. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, petitioner is languishing in judicial custody since 04.07.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Session Judge-VII-cum-Special Judge



POCSO Act, East Champaran in connection with Madhuban
P.S. Case No. 348 of 2021.

(Sunil Kumar Panwar, J)

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